

**REMARKS**

Claims 1-6 are all the claims pending in the application.

**I. Response to Rejection Under 35 U.S.C. § 102/103**

Claims 1-6 have been rejected under 35 U.S.C. § 102(b) as allegedly anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as allegedly obvious over Sugimoto et al (U.S. Patent 6,316,090).

Applicant respectfully traverses the rejection for the following reasons.

Sugimoto et al does not disclose or suggest powder meeting the requirements (i) and (ii) recited in present Claim 1, i.e., (i) the powder has an average particle diameter of from 200 to 350  $\mu\text{m}$ ; and (ii) a content of powder having a particle diameter of not more than 150  $\mu\text{m}$  contained in the powder is not more than 25% by weight, wherein a total of the powder is 100% by weight. Accordingly, Applicant respectfully submits that Sugimoto et al does not anticipate or render obvious present Claims 1-6.

Moreover, Sugimoto et al discloses carrying out pulverization at a temperature of “-120°C” (see, for example, column 13, line 61, Example 1), which is the same temperature as that in Comparative Example 2 of the present specification. The evaluation results of Comparative Example 2 and Example 1 are summarized in Table 1 of the present specification, as well as in the following Table A:

Table A

	Example 1	Comparative Example	
		2	3
Pulverization temperature (°C)	-75	-120	-60
Above-mentioned requirement (i)	263	150	-
Above-mentioned requirement (ii)	22	51	-
Evaluation of properties			
Workability	○	X	-
Powder flowability (second)	15.8	26.4	-

As the results in Table A shown, Example 1 according to the present invention provides unexpectedly superior results as compared to Comparative Example 2 according to Sugimoto et al, in terms of workability and powder flowability.

In view of the foregoing, Applicant respectfully submits that present Claims 1-6 are not anticipated by or obvious over Sugimoto et al and thus the rejection should be withdrawn.

## **II. Response to Rejection Under 35 U.S.C. § 103**

Claims 1-6 have been rejected under 35 U.S.C. § 103(a) as allegedly obvious over Sugimoto et al in view of JP 07-096532 (“JP ‘532”).

Applicant respectfully traverses the rejection for the reasons as set forth above and the following additional reasons.

JP ‘532 discloses carrying out pulverization at a temperature of “-60°C” (see, all Examples), which is the same temperature as that in Comparative Example 3 of the present specification. In the present specification, Comparative Example 3 was prepared in the same

manner as Example 1, except that the inner temperature of the mill was changed to -60°C. The evaluation results of Comparative Example 3 and Example 1 are summarized in Table 1 of the present specification, as well as in the above Table A.

As shown in the above Table A and described at page 37, lines 19-21 of the present specification, the pellet in Comparative Example 3 was melt-adhered with each other because of shear heating when pulverizing, and as a result, pulverization was impossible. That is, Example 1 according to the present invention provides unexpectedly superior results as compared to Comparative Example 3 according to JP '532, in terms of workability and power flowability.

In view of the foregoing, Applicant respectfully submits that present Claims 1-6 are not obvious over Sugimoto et al in view of JP '532 and thus the rejection should be withdrawn.

### **III. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

RESPONSE UNDER 37 C.F.R. § 1.111  
U.S. Application No.: 10/705,855

Attorney Docket Q77877

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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CUSTOMER NUMBER

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